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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,132	07/10/2003	David Chisnall	ASF-2	1443
22827	7590	09/22/2005		
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			EXAMINER LOWE, MICHAEL S	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/617,132	CHISNALL, DAVID	
	Examiner	Art Unit	
	M. Scott Lowe	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9,11,12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Drawings***

The replacement drawings were received on 6/24/05. These drawings are approved.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Riecki (US 5,846,047) in view of Schatzler (US 2002/0076312).

Re claims 1-3, Riecki teaches a moveable stowage assembly 10 for a vehicle 14, comprising:

a longitudinal member 30 configured for moving a stowed item 22;

attachment means 70,62,64 for connecting the stowed item 22 to the longitudinal member, the

attachment means 70,62,64 being adapted to travel along the longitudinal member;

first powered means 60 for moving the attachment means between a stowed position and an access position;

a base member 12 secured pivotally to the vehicle 14, the longitudinal member 30 being moveable over the base member by second powered means 24 for moving the longitudinal member 30 between a stowed position and an access position;

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means 28 for releasably securing the longitudinal member 30 in the stowed position first stop means 12,24,28 to hold the longitudinal member 30 in an access position on the base member 12;

third powered means (figure 1, powered cylinder) for pivotally moving the base member between stowed position and an access position; and

second stop means (figure 1, powered cylinder) for holding the base member 12 in the access position.

Riekki teaches first and second powered means but does not teach a closed loop formed by one of a belt, a chain and combinations thereof running around a plurality of sprockets, at least one sprocket being power driven. Schatzler teaches multiple powered means with a closed loop formed by a belt running around a plurality of sprockets, at least one sprocket being power driven to allow for easier loading and unloading of cargo (column 1, paragraph 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Riekki by the general teaching of Schatzler to have first and/or second powered means be a closed loop formed by one of a belt running around a plurality of sprockets, at least one sprocket being power driven as a functionally equivalent powered means and to allow for easier loading and unloading of cargo.

Re claim 4, Riekki teaches the third powered means being an actuator.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Riekki (US 5,846,047) in view of Schatzler (US 2002/0076312) as applied to claim 1, and further in view of Monroig (US 6,413,033).

Re claim 5, Riekki shows a third powered means as a cylinder (actuator) but does not provide details. Monroig teaches a similar cylinder 38 that is hydraulic. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Riekki by the general teaching of Monroig to have the cylinder be hydraulic in order to save money by using a known type of cylinder.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Riekki (US 5,846,047) in view of Schatzler (US 2002/0076312) as applied to claim 1, and further in view of Reimer (US 5,346,355).

Re claim 6, Riekki teaches sensors 98,106,108 (meets definition of sensor, Merriam-Webster's Collegiate Dictionary 10<sup>th</sup> edition) in communication with a control system (not numbered) to sequence and regulate movement of the stowage 10 but does not mention a sensor being configured to sense a movement of the stowage.

Rierner teaches sensors (limit switches, solenoids, columns 8-9) configured to sense a movement of the stowage to sequence and regulate movement of the stowage 82 (etc.) in order to prevent any improper movement (column 8, line 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Riekki by Rierner to have a sensor configured to sense a movement of

the stowage to sequence and regulate movement of the stowage in order to prevent any improper movement.

Claims 8,9,11,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Riekki (US 5,846,047) in view of Schatzler (US 2002/0076312) and Reimer (US 5,346,355).

Re claims 8,9,11, Riekki teaches moveable stowage assembly 10 for stowing and accessing an item 22 on a vehicle 14, the moveable stowage assembly comprising: a movable member 30 configured for moveably holding an item 22; a base member 12 pivotally attached to a vehicle portion 14, the movable member 30 further configured to traverse the base member 12 between a stowed position and an intermediate access position; an attachment 62,64,70 moveably disposed between the movable member 30 and the item 22, the attachment configured to traverse the movable member with the item between one of the stowed position and the intermediate access position and an access position; an actuator (figure 1, powered cylinder) attached between the vehicle portion 14 and the base member 12, the actuator configured for pivoting the base member from the intermediate access position to the access position to access the item.

Riekki teaches first and second powered means but does not teach a closed loop formed by one of a belt, a chain and combinations thereof running around a plurality of sprockets, at least one sprocket being power driven. Schatzler teaches multiple

powered means with a closed loop formed by a belt running around a plurality of sprockets, at least one sprocket being power driven to allow for easier loading and unloading of cargo (column 1, paragraph 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Riekki by the general teaching of Schatzler to have first and/or second powered means be a closed loop formed by one of a belt running around a plurality of sprockets, at least one sprocket being power driven as a functionally equivalent powered means and to allow for easier loading and unloading of cargo.

Reikki teaches (abstract, line 1) that the apparatus may be used with any vehicle but does not specify a completely roof-covered vehicle. Reimer teaches a completely roof-covered vehicle 12 utilizing a roof top carrier 20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Reikki to be used with a completely roof-covered vehicle (and thus be a roof top carrier) in order to realize the versatility discussed by Reikki (abstract, line 1, column 1, lines 6,13,53,67+, etc.).

Re claim 12, Riekki teaches the device 10 configured for remote operation 98.

### ***Conclusion***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments are based on newly added limitations which are addressed by the new grounds of rejection detailed above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msl



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